

2011 No. 977

NORTHERN IRELAND

INTERNATIONAL IMMUNITIES AND PRIVILEGES

ARMS AND AMMUNITION

EXPLOSIVES

**The Northern Ireland Arms Decommissioning Act 1997
(Cessation of Section 7) Order 2011**

Made - - - -

28th March 2011

The Secretary of State makes the following Order in exercise of the powers conferred by section 7(6) of the Northern Ireland Arms Decommissioning Act 1997^(a).

In accordance with section 7(6) of the Northern Ireland Arms Decommissioning Act 1997 the Minister for Justice of the Republic of Ireland has been consulted prior to the making of this Order.

Citation and interpretation

1.—(1) This Order may be cited as the Northern Ireland Arms Decommissioning Act 1997 (Cessation of Section 7) Order 2011.

(2) In this Order—

“the 1997 Act” means the Northern Ireland Arms Decommissioning Act 1997;

“the 1997 Order” means the Northern Ireland Arms Decommissioning Act 1997 (Immunities and Privileges) Order 1997^(b);

“the Agreement” means the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland establishing the Independent International Commission on Decommissioning^(c);

“the Commission” means the Independent International Commission on Decommissioning established by the Agreement;

“member of the Commission” means a person appointed in terms of Article 5 of the Agreement.

(a) 1997 c. 7. Section 7 of the 1997 Act was commenced on 1 September 1997 by the Northern Ireland Decommissioning Act 1997 (Commencement of Section 7) Order 1997 (S.I. 1997/2111).

(b) S.I. 1997/2231.

(c) Cm. 3753.

Cessation

2.—(1) The day appointed for the purposes of section 7(6) of the 1997 Act (the Commission) is 31st March 2011.

(2) Accordingly, subject to article 3, section 7 of the 1997 Act (and the 1997 Order) cease to have effect at the end of that day.

Transitional Provisions

3.—(1) Section 7 of the 1997 Act continues to have effect in so far as necessary for paragraphs (2) to (4).

(2) The 1997 Order continues to have effect after 31st March 2011 in so far as it confers privileges and immunities (including any exemption) on persons in respect of their performance of official duties on or before 31st March 2011 as members of the Commission, staff and agents of the Commission and other persons who have carried out work for or given advice to the Commission^(a).

(3) Subject to paragraph (4), the 1997 Order continues to have effect after 31st March 2011 in so far as it confers on the official archives of the Commission the inviolability that is accorded to the official archives of a diplomatic mission in accordance with the Articles of the Vienna Convention on Diplomatic Relations 1961 which are set out in Schedule 1 to the Diplomatic Privileges Act 1964^(b).

(4) Her Majesty's Government in the United Kingdom may at any time with the agreement of the Government of Ireland waive the inviolability of all or part of the official archives of the Commission, for a particular period of time or indefinitely and for a particular purpose or generally.

Northern Ireland Office
28th March 2011

Owen Paterson
One of her Majesty's Principal Secretaries of State

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- (a) Section 7 of the 1997 Act provides that the Secretary of State may by order confer privileges and immunities on members and servants of the Commission (including agents of, and persons carrying out work for or giving advice to the Commission). These privileges and immunities are conferred by the Northern Ireland Arms Decommissioning Act 1997 (Immunities and Privileges) Order 1997 (S.I. 1997/2231) which is made under section 7. Articles 7 and 8 of S.I. 1997/2231 have been amended by section 2(3) of the British Overseas Territories Act 2002 (c. 8).
- (b) 1964 c. 81. Schedule 1 to the 1964 Act has been amended by section 6 of, and Schedule 2 to, the Diplomatic and Consular Premises Act 1987 (c. 46). Section 7 of the 1997 Act provides that the Secretary of State may confer such inviolability on the official archives of the Commission and this is conferred by the Northern Ireland Arms Decommissioning Act 1997 (Immunities and Privileges) Order 1997 (S.I. 1997/2231) which is made under section 7.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order appoints 31st March 2011 as the day at the end of which section 7 of the Northern Ireland Arms Decommissioning Act 1997 ceases to have effect. Section 7 of the 1997 Act makes provision in respect of the Independent International Commission on Decommissioning (the Commission). The Commission will cease to operate at the end of 31st March 2011 by virtue of an exchange of letters between Her Majesty's Government of the United Kingdom and the Government of Ireland which will terminate the Agreement between those governments which establishes the Commission. Immunities and privileges enjoyed by members, staff and agents of the Commission and other persons who have carried out work for or given advice to the Commission are preserved by article 3 in respect of official duties carried out by them on or before 31st March 2011. And article 3(3) and (4) provides that the official archives of the Commission will continue to enjoy the inviolability that is accorded to the official archives of a diplomatic mission in accordance with the Articles of the 1961 Vienna Convention on Diplomatic Relations 1961 which are set out in Schedule 1 to the Diplomatic Privileges Act 1964 except to the extent they are waived by Her Majesty's Government in the United Kingdom with the agreement of the Government of Ireland.

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